

City Council President's Office

**Receive Update on COVID-19
Response Reopening Plan, and
Recommend Council to Adopt a
Resolution Authorizing
Teleconferenced Public Meetings
Pursuant to Government Code
Section 54953**



Local Health and State of Emergency Declarations Due to COVID-19:

- In March 2020, the California Governor, the County of San Diego Public Health Official, and the Mayor of San Diego issued a series of directives and guidance to state and local residents relating to the COVID-19 pandemic.
- The California Governor's Executive Orders N-25-20 and N-29-20, issued on March 12 and 17, 2020, respectively, suspended provisions of the Brown Act related to teleconferencing of meetings.
- The Governor's Executive Order N-08-21 and N-15-21 extended the suspension of the Brown Act provisions until October 1, 2021.
- Assembly Bill 361, amending the Brown Act, became effective on October 1, 2021.

Assembly Bill 361 amending the Ralph M. Brown Act:

- Provide a mechanism for the Council of the City of San Diego (Council) and City boards and commissions to continue teleconferencing during a proclaimed state of emergency related to Covid-19.
- Creates a process for local agencies to use teleconferencing during a proclaimed state of emergency without complying with the Brown Act's requirement to provide notice and public access to each teleconference location. For A.B. 361 to apply, the Governor must proclaim a state of emergency pursuant to California Government Code section 8625. Cal. Gov't Code § 54953(e)(4).
- It is not sufficient for the local agency to rely on a locally declared state of emergency. The legislative body may use teleconferencing during a proclaimed state of emergency if: (i) state or local officials have imposed or recommended measures to promote social distancing; or (ii) the legislative body determines, by majority vote, that "as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees." Cal. Gov't Code § 54953(e)(1).

Quoted from City Attorney Memorandum on 9/28/21, titled "Legal Update: Assembly Bill 361 amending the Ralph M. Brown Act"

Proposed Actions:

- Recommend Council to adopt a resolution making findings required by Government Code section 54953(e)(3) requiring Council to reconsider the circumstances of the state of emergency to continue teleconferenced public meetings for City Council, City boards and commissions created by Council through Charter, Municipal Code or other action, and all boards and commissions complying with the Brown Act pursuant to a City requirement.



Benchmarking of Largest Cities in the State of California

City	Population	Meeting Type	Notes
Los Angeles	3,898,747	Hybrid	All members of the Council are vaccinated, and each is allowed up to 1 staff member at the meeting. Members are participating remote and in person. Public participates by calling into the meetings, as they are not permitted in chambers. Every person in attendance is tested every Monday onsite.
San Diego	1,386,932	Virtual	Virtual for all attendees and participants.
San Jose	1,013,240	Hybrid	Hybrid meetings with members of the public participating virtually. Members are participating remote and in person. Their Council meeting was overtaken and evacuated on August 24, 2021.
San Francisco	873,965	Hybrid	Supervisors in chambers, the public is remote.
Fresno	525,010	Hybrid	Started hybrid meetings on October 14, 2021 that includes some public in-person participation in Council Chambers



Council President's Strategy for Re-opening:

Stage 1: Virtual

- The City of San Diego is currently in Stage 1. This is where the entire Council, members of the public, press, and City staff meet virtually in the Zoom setting. This is to ensure the public health and safety of all attendees of the Council meeting. The public is able to participate via call-in and web-based system and provide written comments via the City Clerk webform.

Council President's Strategy for Re-opening:

Stage 2: Hybrid

- The next stage would be to hybrid form of Council meeting. This would entail the Councilmembers, City staff, and the members of the press to be permitted in Council Chambers. The public would still be required to participate via call-in and web-based system to the Council meeting to provide verbal testimony, and provide written comments via the City Clerk webform. This would model after how the Council met previously before a COVID-19 case was detected within Council Chambers

Conditions: In order for the Council to shift into the hybrid atmosphere many conditions must be met, including, but not limited to: create and enact protocols to ensure all attendees of the City Council Meeting are vaccinated, ensuring protocols are met as required by employment requirements as established by meet and confer of the City's Labor Organizations, ensuring that social distancing directives (if applicable) are able to be accommodated, and the determination that it is safe to reopen based on the current hospitalization rate, vaccination rate, and death rate.

Council President's Strategy for Re-opening:

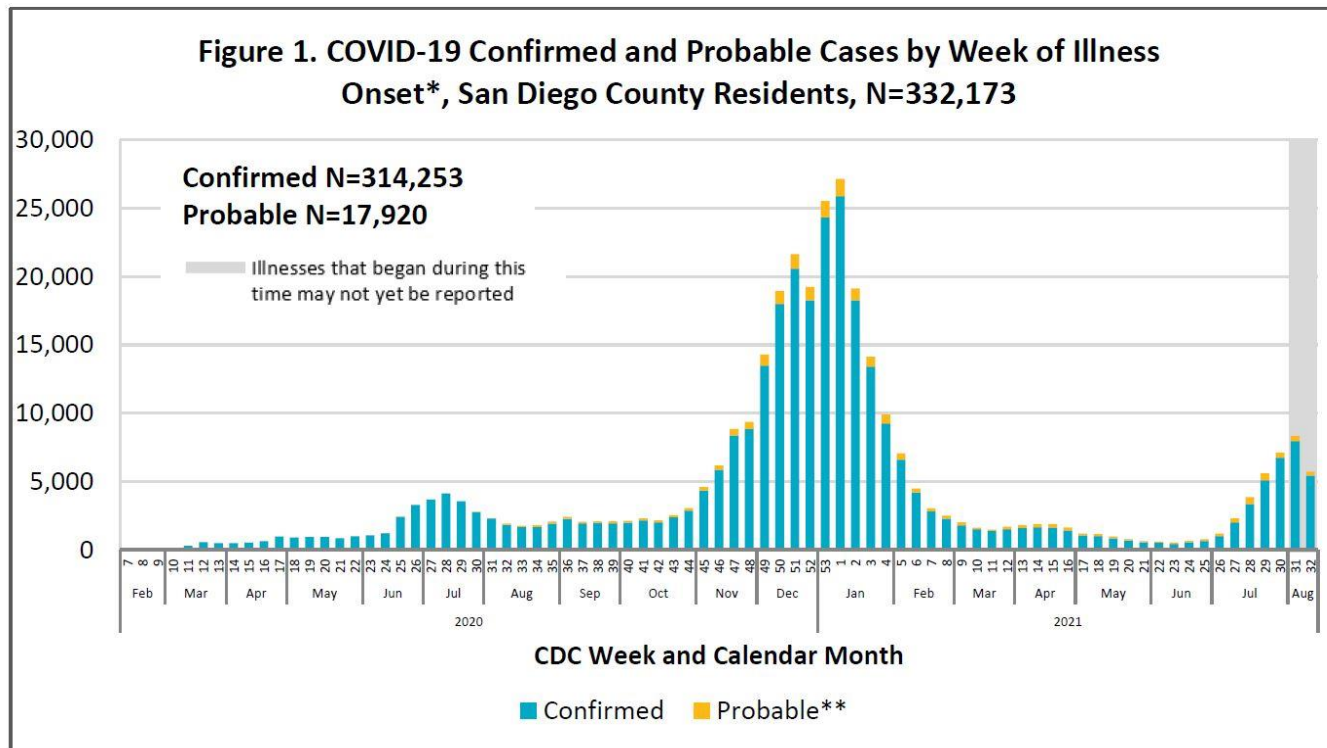
Stage 3: City Council Meeting In-Person for All Attendees

- The final stage would be to reopen the Council Chambers for all attendees.

Conditions: In order for the Council to shift into fully re-opening Council Chambers, many conditions must be met, including, but not limited to: create and enact protocols to ensure all attendees of the City Council Meeting are vaccinated, ensuring that social distancing directives (if applicable) are able to be accommodated, ensuring that in conjunction with the Council President's Office, Mayor's Office, City Clerk, and Building Facilities, that the security team creates a safety plan ensuring the safety of all attendees and city staff within the building in relation to attendance of the City Council meeting in the City Council Chambers on the 12th floor, and the determination that it is safe to reopen based on the current hospitalization rate, vaccination rate, and death rate.

COVID-19 Tracking:

2020 Holiday Spike



*When onset date is unavailable, specimen collection date, date of death, or date reported is used instead.

**Probable cases are antigen positive tests received since August 1, 2020.

In 2020, over the holiday season, there was a large spike in COVID-19 cases and deaths in the County of San Diego.

As the City approaches the holiday season, it must be mindful of a potential spike as more individuals travel. (Attachment A – Graph of SD County cases and deaths).

At the City of San Diego COVID-19 Response and Recovery Committee meeting on September 20, 2021, County Health Officials told the members that they anticipate a fifth wave of COVID-19 cases this winter, especially among people who are unvaccinated.

COVID-19 Tracking:

- The delta variant is highly transmissible in indoor environments.
- The California Occupational Safety and Health Standards Board adopted California Code of Regulations, title 8, section 3205, which states, “particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.
- On or about September 23, 2021, Dr. Wilma Wooten, the County of San Diego's Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the “Teleconferencing Recommendation”).
- The state of emergency continues to directly impact the ability of the members to meet safely in person.

Proposed Actions:

- Recommend Council to adopt a resolution making findings required by Government Code section 54953(e)(3) requiring Council to reconsider the circumstances of the state of emergency to continue teleconferenced public meetings for City Council, City boards and commissions created by Council through Charter, Municipal Code or other action, and all boards and commissions complying with the Brown Act pursuant to a City requirement.